UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,326	02/26/2004	Jun-seo Lee	Q78241	2660

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EXAMINER
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ART UNIT	PAPER NUMBER
2443	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/786,326*	LEE, JUN-SEO
	Examiner	**Art Unit**	
	KISHIN G. BELANI	2443	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>06 October 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-16*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Tonia LM Dollinger/
Supervisory Patent Examiner, Art Unit 2143

/K. G. B./
Examiner, Art Unit 2443

Continuation of 11. does NOT place the application in condition for allowance because: The arguments presented by the applicant are the repeat of the arguments that the examiner has already responded to in the previous office action dated 08/05/2008. It is the examiner's view that the applicant has not fully understood the teachings of Varma et al. reference as to the operation of the linked-list structure shown in Fig. 3. The examiner would try to explain the workings of the shown linked-list with an example of processing three out-of-sequence fragments 2, 1 and 3 of a long message received as packet # 1, 2 and 3 in that order. If the applicant were to use the values shown in the table below one row at a time in the tables of Fig. 3 in the cited Varma et al. reference, the workings of the linked-list disclosed will become clearer.

```
Packet # Fragment #  Head  Tail  Other Fields  Data Memory         Link Memory
=====================================================================
1        2           21    21    Message ID    Packet 1 data        Null at address 21
                                                (stored at address 21)

2        1           34    21    Message ID    Packet 2 data          21 at address 34,
                                                (stored at address 34) Null at address 21

3        3           34    67    Message ID    Packet 3 data          21 at address 34,
                                                (stored at address 67) 67 at address 21,
                                                                       Null at address 67
```

The linked-list structure shown in Fig. 3 of the Varma reference embodies a collection of lists, one for each message, wherein each list stores the fragments of a single message. Each row in a Control Memory represents a list. The data for different messages is received as out-of-sequence fragments and stored in the intertwined lists corresponding to each message ID in the Data Memory. The Link Memory is used to stitch together different fragments of a message dispersed in the Data Memory.

As each fragment is received as a packet, all three memories need to be searched, even when the the first packet of a message is received in order to find its place in the Control Memory which contains entries for a plurality of lists, one for each list. For any subsequent packet received, the Message ID has to be matched and the head and tail pointers and count values updated. The packet data is saved in the next available address in the Data Memory and the pointers in the Link Memory are updated to maintain the order in which the packet data is stored in the Data Memory. Only the pointer values in the Link Memory need updating as each packet arrives, the packet data in the Data Memory need not be shuffled.

The examiner hopes that the example shown above helps explain the workings of the linked-list structure shown in the Varma et al. reference. It clearly shows and discloses searching to determine if a corresponding list exists when a first packet of a long message chopped into fragments that may be received out-of-sequence, because there are other lists for similar other long messages in the Control Memory. Varma et al. also look for and process subsequent messages clearly shown in Fig. 3 as three different fragments.

As to the Rana et al. reference, it was included only to show "entering an index into the corresponding list of the fragment look-up table", which it clearly does by assigning a session id to the first data packet and subsequent data packets as stated in the applicant's remarks. Since the data packets together form a list, such an assignment corresponds to entering an index into the corresonding list, which is what the claim language states.

The processing of Tunnel ID is handled by the cited Ganesan et al. reference, for which no argument is provided, therefore no response is needed.